THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.33305 of 1997

Date: 28.03.2007

Between:

Rooplal Shah and another

....Petitioners

and

Govt. of A.P. represented by its
Principal Secretary, Revenue Department and another

....Respondents

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WRIT PETITION No.33305 of 1997

O R D E R:

The petitioners submitted application before the 1st respondent, seeking exemption in respect of the land in Sy.No.76, Fatehnagar Village, Hyderabad District, under Section 20 of the Urban Land (Ceiling and Regulation) Act, 1976 [for short 'the Act']. The application was rejected by the 1st respondent through Memo No.52190/UC.II (i)/97-1 dated 13.8.1997, on the ground that the Government has taken a policy decision not to grant exemption for transfer of surplus lands in favour of the cooperative housing societies.

The petitioners contend that through the said memo, the 1st respondent has virtually rendered Section 20 (1) (a) of the Act, nugatory.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

After enacting several provisions, which are expropriatory in nature, the Parliament included Section 20 of the Act, which is almost like a ventilator for the aggrieved parties.

The State Government is conferred with the power to grant exemption from the provisions of the Act, subject to certain conditions.

It is not as if that the Government is going to confer any largesse upon a citizen. The exemption would only reduce the rigour to a citizen, who is otherwise to be deprived of his property without a semblance of compensation.

A Division Bench of this court in **KATYA COOPERATIVE BUILDING SOCIETY LIMITED V. GOVT. OF ANDHRA PRADESH** [1], dealt with the situation where the Government has taken a policy decision not to grant exemption under the said provision. It was held that such a policy would defeat the very object underlying the Act.

Following the same, the writ petition is allowed by setting aside the impugned order and the 1st respondent is directed to consider the matter afresh on its own merits. The status-quo obtaining as on today as regards possession shall be maintained till the 1st respondent passes an order afresh. There shall be no order as to costs.

L.NARASIMHA REDDY, J

28th March, 2007.
cvm

[1] AIR 1985 A.P. 242